

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA	:	Case No. 3:19-CR-68
	:	
Plaintiff,	:	
	:	
vs.	:	Judge Rice
	:	
YOHANNES TINSAE	:	<u>DEFENDANT, TINSAE</u>
	:	<u>DEMAND FOR DISCOVERY</u>
Defendant.	:	
	:	
	:	
	:	

Defendant, Yohannes Tinsae, hereby moves this Court pursuant to Federal Rule of Criminal Procedure 16 to order the United States Attorney to provide discovery forthwith. The reasons for this Motion are more fully set forth in the Memorandum in Support hereof.

/s/Dennis A. Lieberman

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MEMORANDUM IN SUPPORT

It should be noted that the Government has provided to Defendant, Yohannes Tinsae, a substantial amount of discovery. The instant Motion is filed to the extent the Government has not yet produced all discovery it is required to produce pursuant to Federal Rule of Criminal Procedure 16. The following discovery is requested:

To permit the Defendant to inspect and copy or photograph any of the following which are available to, or within the possession, custody or control of the Government, the existence of which is known or by the exercise of due diligence may become known to the United States Attorney:

- (a) Government's Disclosure.
 - (1) *Information Subject to Disclosure.*
 - (A) *Defendant's Oral Statement.* Upon a defendant's request, the government must disclose to the defendant the substance of any relevant oral statement made by the defendant, before or after arrest, in response to interrogation by a person the defendant knew was a government agent if the government intends to use the statement at trial.
 - (B) *Defendant's Written or Recorded Statement.* Upon a defendant's request, the government must disclose to the defendant, and make available for inspection, copying, or photographing, all of the following:
 - (i) any relevant written or recorded statement by the defendant if:
 - the statement is within the government's possession, custody, or control; and
 - the attorney for the government knows—or through due diligence could know—that the statement exists;
 - (ii) the portion of any written record containing the substance of any relevant oral statement

- made before or after arrest if the defendant made the statement in response to interrogation by a person the defendant knew was a government agent; and
- (iii) the defendant's recorded testimony before a grand jury relating to the charged offense.
- (C) *Organizational Defendant.* Upon a defendant's request, if the defendant is an organization, the government must disclose to the defendant any statement described in **Rule 16(a)(1)(A)** and (B) if the government contends that the person making the statement:
- (i) was legally able to bind the defendant regarding the subject of the statement because of that person's position as the defendant's director, officer, employee, or agent; or
- (ii) was personally involved in the alleged conduct constituting the offense and was legally able to bind the defendant regarding that conduct because of that person's position as the defendant's director, officer, employee, or agent.
- (D) *Defendant's Prior Record.* Upon a defendant's request, the government must furnish the defendant with a copy of the defendant's prior criminal record that is within the government's possession, custody, or control if the attorney for the government knows—or through due diligence could know—that the record exists.
- (E) *Documents and Objects.* Upon a defendant's request, the government must permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items, if the item is within the government's possession, custody, or control and:
- (i) the item is material to preparing the defense;
- (ii) the government intends to use the item in its case-in-chief at trial; or
- (iii) the item was obtained from or belongs to the defendant.

- (F) *Reports of Examinations and Tests.* Upon a defendant's request, the government must permit a defendant to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if:
- (i) the item is within the government's possession, custody, or control;
 - (ii) the attorney for the government knows—or through due diligence could know—that the item exists; and
 - (iii) the item is material to preparing the defense or the government intends to use the item in its case-in-chief at trial.
- (G) *Expert witnesses.* At the defendant's request, the government must give to the defendant a written summary of any testimony that the government intends to use under **Rules** 702, 703, or 705 of the Federal **Rules** of Evidence during its case-in-chief at trial. If the government requests discovery under subdivision (b)(1)(C)(ii) and the defendant complies, the government must, at the defendant's request, give to the defendant a written summary of testimony that the government intends to use under **Rules** 702, 703, or 705 of the Federal **Rules** of Evidence as evidence at trial on the issue of the defendant's mental condition. The summary provided under this subparagraph must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2019, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system upon counsels of record.

/s/Dennis A. Lieberman

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